United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

MEDIMPACT HEALTHCARE SYSTEMS, INC., a California corporation,

vs

PROCARE RX, a Georgia corporation; and DANIELLE TAYNAI, an individual

SUMMONS IN A CIVIL ACTION

Case No. '08 CV 0421 JAH POR

TO: (Name and Address of Defendant)
PROCARE RX, a Georgia corporation
Nisbet S. Kendrick, III, Esq., Registered agent for service
1201 W. Peachtree Street, Suite 3500
Atlanta, Georgia 30309

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon PLAINTIFF'S ATTORNEY
Andrea M. Kimball, Esq.
Luce, Forward, Hamilton & Scripps LLP
600 West Broadway, Suite 2600
San Diego, California 92101
Tel: 619.233.2986; Fax: 619.645.5323

An answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

W. Samuel Hamrick, Jr.
CLERK

3/5/08
DATE

By C. RUTTMANN, Deputy Clerk

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RETURN OF SERVICE

Service of the Summons and Complaint was made by me	DATE April 15, 2008
NAME OF SERVER Jeannine L. Liskowiak	TITLE Legal Secretary

Check one box below to indicate appropriate method of service

☐ Served personally upon the defendant. Place where served: ____________

☐ Left copies thereof at the defendant's dwelling, house or usual place of abode with a person of suitable age and discretion then residing therein:

Name of person with whom the summons and complaint were left: ____________

☐ Return unexecuted:

☒ Other (specify):
I also served copies of Civil Cover Sheet and Plaintiff MedImpact Healthcare Systems, Inc.'s Notice of Interested Parties on ProCare RX, a Georgia corporation c/o Nisbet S. Kendrick, III, Esq., all via Certified Mail, Return Receipt Requested (FRCP 4(e)(1), 4(h)(1); CCP 415.40).

STATEMENT OF SERVICE FEES

TRAVEL		SERVICES	TOTAL	

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service is true and correct.

Executed on: April 15, 2008
Date

Jeannine L. Liskowiak
Signature of Server

600 West Broadway, Suite 2600, San Diego, CA 92101
Address of Server

NOTICE OF RIGHT TO CONSENT TO TRIAL BY A UNITED STATES MAGISTRATE

IN ACCORDANCE WITH THE PROVISION OF 28 USC 636(C) YOU ARE HEREBY NOTIFIED THAT A U.S. MAGISTRATE OF THIS DISTRICT MAY, UPON CONSENT OF ALL PARTIES, CONDUCT ANY OR ALL PROCEEDINGS, INCLUDING A JURY OR NON-JURY TRIAL, AND ORDER THE ENTRY OF A FINAL JUDGMENT. COUNSEL FOR THE PLAINTIFF HAS RECEIVED A CONSENT FORM.

YOU SHOULD BE AWARE THAT YOUR DECISION TO CONSENT OR NOT CONSENT IS ENTIRELY VOLUNTARY AND SHOULD BE COMMUNICATED SOLELY TO THE CLERK OF COURT. ONLY IF ALL PARTIES CONSENT WILL THE JUDGE OR MAGISTRATE TO WHOM THE CASE HAS BEEN ASSIGNED BE INFORMED OF YOUR DECISION.

JUDGEMENTS OF THE U.S. MAGISTRATES ARE APPEALABLE TO THE U.S. COURT OF APPEALS IN ACCORDANCE WITH THIS STATUTE AND THE FEDERAL RULES OF APPELLATE PROCEDURE.

1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
ProCare RX, a Georgia corporation
Nisbet S. Kendrick, III, Esq.
1201 W, Peachtree St. #3500
Atlanta, GA 30309

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☐ Agent ☐ Addressee
X

B. Received by (*Printed Name*)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (*Extra Fee*) ☐ Yes

2. Article Number (*Transfer from service label*) 7003 2260 0007 4369 9684

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Sent To ProCare RX/Nisbet S. Kendrick III
Street, Apt. No.; or PO Box No. 1201 W. Peachtree St. 3500
City, State, ZIP+4 Atlanta, GA 30309

PS Form 3800, June 2002 See Reverse for Instructions

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